

COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing to consider the appeal of Mike Collins of the

Planning Commission's denial of the Tentative Subdivision Map of Hutchins

Village, a 7-lot single-family residential project to be located at 425 and 429 West Locust

Street (north east corner of Locust and Hutchins Street) in an area zoned

R-1*, Single-Family Residential-Eastside.

MEETING DATE

August 16, 1995

PREPARED BY:

Community Development Director

RECOMMENDED ACTION:

That the City Council conduct a Public Hearing to consider the Planning Commission's denial of the Tentative Subdivision Map of Hutchins Village,

a 7-lot single-family residential project to be located at 425 and

429 West Locust Street (north east corner of Locust and Hutchins Street) in an area zoned R-1*, Single-Family Residential-Eastside.

BACKGROUND INFORMATION:

At its meeting of June 19, 1995 the Planning Commission denied the Tentative Subdivision Map of Hutchins Village because lots 1 and 2 were each proposed for one off-street parking space rather than the two required by the zoning restrictions.

The Planning Commission had previously approved a Tentative Subdivision Map for the project area with the driveways to the proposed flag lots (i.e. Nos. 5 and 6) accessing Locust Street rather than Hutchins Street. Adequate off-street parking was provided at that time.

Two off-street parking stalls for each dwelling unit, whether single-family or multiple family, has long been the aim of the Planning Commission. Units with less than that ratio could cause parking problems on both adjacent streets and the center driveway.

If the City Council reverses the Planning Commission and approves the Tentative Subdivision with the conditions outlined in the Fire Department memorandum of May 10, 1995 and the Public Works memorandum of May 3, 1995, they should become part of the approval. These are similar to conditions attached to the approval of any Tentative Parcel or Subdivision Map.

FUNDING: Application Fees

Community Development Director

JBS/lw

APPROVED:

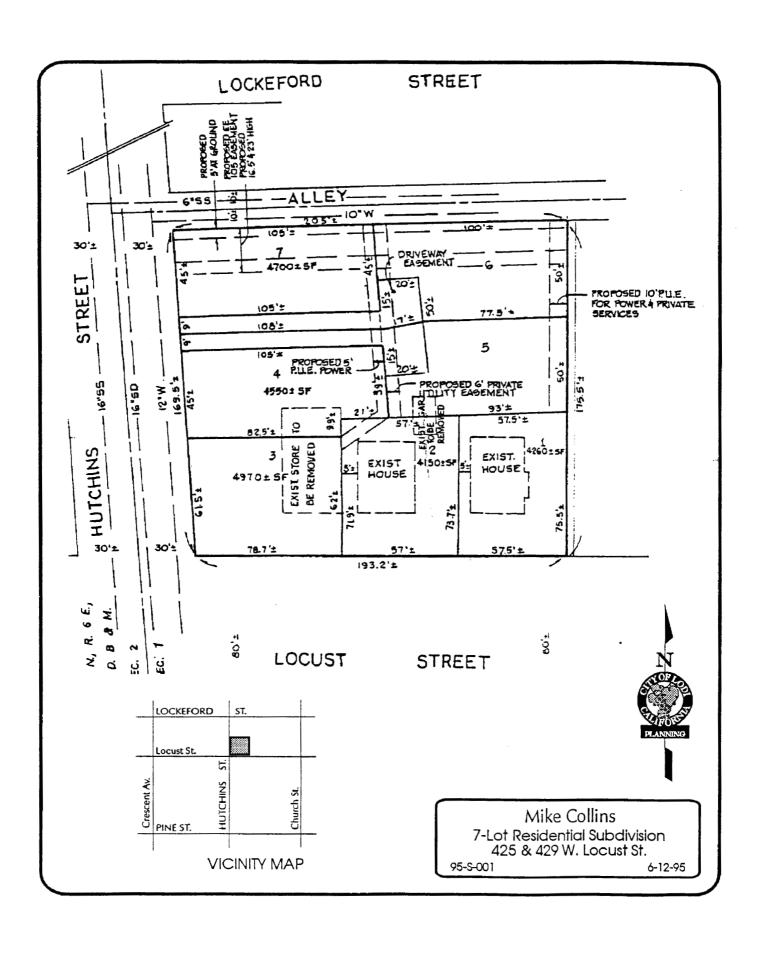
THOMAS A. PETERSON

City Manager



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CITY COUNCIL

STEPHEN J. MANN, Mayor DAVID P. WARNER Mayor Pro Tempore RAY G. DAVENPORT PHILLIP A. PENNINO IACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6711
FAX (209) 333-6718

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk

BOB McNATT
City Attorney

June 21, 1995

Mr. Mike Collins 4632 Georgetown Place Stockton, CA 95207

Dear Mr. Collins:

RE:

Tentative Subdivision Map

7-Lot Subdivision

425 and 429 West Locust Street

At the Lodi City Planning Commission meeting of June 19, 1995, the Commission held a public hearing on your request for the approval of a 7-lot residential subdivision located at 425 and 429 West Locust Street (APN's 037-260-28 and 30) in an area zoned R-1E, Single-Family Residential - Eastside.

Based on the testimony presented during the public hearing, the Planning Commission voted to deny your request for approval of the Hutchins Village tentative map. The denial was based primarily on concerns regarding the lack of adequate off-street parking for some of the proposed lots.

You may appeal the Planning Commission's denial of your request to the Lodi City Council. If you choose to appeal, you must make a written appeal request within 15 days after the date of the hearing. You may also choose to amend your map to satisfy the Planning Commission's concern for adequate off-street parking.

Please contact this office if you have any questions regarding this matter.

Sincerely,

DAVID MORIMOTO, AICP

Senior Planner

Louis B. Fugazi

CITY COUNCIL

STEPHEN J. MANN, Mayor DAVID P. WARNER Mayor Pro Tempore RAY G. DAVENPORT PHILLIP A. PENNINO JACK A. SIEGLOCK

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THOMAS A. PETERSON
City Manager
-JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

June 6, 1995

Mr. Mike Collins 4632 Georgetown Place Stockton, CA 95207

Dear Mr. Collins:

RE: Tentative Subdivision Map

7-Lot Subdivision

425 and 429 West Locust Street

The Lodi Community Development Department has completed its review of your request for the approval of a tentative subdivision map for a proposed 7-lot residential project at 425 and 429 West Locust Street (APN's 037-260-28 and 30) in an area zoned R-1*, Single-Family Residential - Eastside.

At the Lodi City Planning Commission meeting of Monday, June 19, 1995 the City staff will recommend approval of the tentative subdivision map with the following conditions:

- 1. Items required by the Lodi Fire Department on the enclosed memorandum dated May 10, 1995; and
- 2. Items required by the Lodi Public Works Department on the enclosed memorandum dated May 3, 1995.

Sincerely,

JAMES B. SCHROEDER

Community Development Director

Enclosures

cc: Baumbach and Piazza, Inc.

Louis B. Fugazi

LODI FIRE DEPARTMENT

MEMORANDUM

TO:

James B. Schroeder, Community Development Director

FROM:

Robert Gorbet, Fire Marshal

DATE:

May 10, 1995

SUBJECT:

FILE #95 S 001 - 7-LOT RESIDENTIAL SUBDIVISION -

425 AND 429 WEST LOCUST STREET, LODI

24 foot fire lane access to Parcels 5 and 6 will be required or sprinkler the buildings on Parcels 5 and 6.

RG/lh

c: Baumbach & Piazza, Inc.



MEMORANDUM, City of Lodi, Public Works Department

To:

Community Development Director

From:

Public Works Director

Date:

May 3, 1995

Subject:

Recommended Vesting Tentative Subdivision Map Conditions

for Hutchins Village

File #95 S 001



MAY 04 1995



COMMUNITY DEVELOPMENT BEPARTMENT

The following conditions of approval are required for the subject project per City codes and standards, all to be accomplished prior to, or concurrent with, final map filing unless noted otherwise:

- 1. Engineering and preparation of improvement plans showing the locations of proposed driveways and services and estimate per City Public Improvement Design Standards for all public improvements prior to final map filing. Plans to include:
 - Approved tentative map, signed by the Community Development Director,
 - Soils report;
 - Grading, drainage and erosion control plan.

Standard engineered improvement plans are not required for this project. The developer's engineer should contact the Public Works Department for specific plan requirements prior to submission of the final subdivision map.

- 2. Provide separate water and sewer services for Lots 3 through 7. The current fees for 1-inch water service with meter and sewer service installation are \$925.00 and \$800.00, respectively. The existing water service for the store building located on Lots 3 and 4 can be used for Lot 7. The new water and sewer services for Lots 3 and 4 shall come from Hutchins Street. The new water and sewer services for Lots 5 and 6 shall come from the alley.
- 3. The existing water and sewer services for the existing houses on Lots 1 and 2 extend through the buildable area of Lots 5 and 6 from the alley. The existing services should be abandoned and new services provided from the alley through private easements across Lots 5 and 6. The charges for water and sewer abandonments are \$200.00 and \$150.00 each, respectively. The charges for the new services including water meter installation are as stated in Item 1 above.
- 4. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of final map.

- 5. Dedication of 10 feet of street right-of-way and corner cut-off on Hutchins Street.
- 6. Dedication of public utility easements as shown on the map and as required by the various utility companies and the City of Lodi.
- 7. Submit final map per City and County requirements.
- 8. Payment of the following:
 - Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule;
 - Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of map filing;
 - Wastewater connection fee at building permit issuance.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

- 9. Obtain the following permits:
 - City of Lodi encroachment permit for driveway installations. Installation of driveways for Lots 3, 4 and 7 may be deferred until time of building permit issuance:
 - San Joaquin County well/septic abandonment permit.

The following comments are provided as a matter of information. The items listed are not requirements of the Public Works Department, but indicate conditions normally imposed by other City departments or agencies which affect and/or need to be coordinated with the design and installation of Public Works requirements:

- On-site fire protection as required by the Fire Department. The 18-foot wide common driveway access for Lots 5 and 6 may not meet Fire Department requirements. An interior fire hydrant may be required to serve Lots 5 and 6.
- Applicable agreements and/or deed restrictions for access, use and maintenance of shared, private facilities to Community Development Department approval.

Finally, the Public Works Department has the following comments about the project that the Planning Commission may wish to consider:

• The lot configuration shown on the tentative subdivision map eliminates alley access for the existing homes on Lots 1 and 2. The map also indicates that the garage on Lot 2 will be removed. Provisions for off-street parking in conformance with City standards needs to be addressed.

Jack L. Ronsko

Public Works Director

JLRVSAW M

cc;

Associate Civil Engineer Baumbach & Plazza Mr. Louis Fugazi Mr. Mike Collins

EXCERPTS FROM PLANNING COMMISSION MINUTES

The next public hearing was the request of Mike Collins (1) for approval of the tentative subdivision map of Hutchins Village, a 7-lot single-family residential project proposed for 425 and 429 West Locust Street in an area zoned R-1E, Residential - Single-Family Eastside and (2) to certify the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the above project. Senior Planner Morimoto briefly introduced this matter for the Planning Commission. He explained that the Planning Commission had previously approved a similar project for this property. The major difference between the two proposals was the two flag lots located in the rear of the property. The previously approved map had the driveways for these two properties going out to Locust Street. The current proposal shows the driveways for the two flag lots leading out onto Hutchins Street. Otherwise the two proposals contain the same number of lots and a similar configuration.

Coming forward to speak on this matter was Michael Collins, 4632 Georgetown Place, Stockton. Mr. Collins explained that his proposed tentative map would create a 7-lot subdivision with two of the lots containing existing older single-family houses. The existing commercial building on the property will be removed as part of this project. He explained that the only difference between this map and the previous map is that the lots were realigned so that the two flag lots, 5 and 6, would have their driveway access onto Hutchins Street instead of Locust Street. He felt that this improves Lots 1 and 2 which contain the two existing single-family dwellings by giving them more yard and eliminating the driveways between the two houses. He further explained that he was proposing one-story houses that would be between 1300 and 1700 square feet in size on the five vacant lots. He noted that lot sizes vary in the neighborhood and that the proposed project would be a benefit for the area..

The Commission asked Mr. Collins what he was proposing for off-street parking for Lots 1 and 2. Mr. Collins stated that currently there is a single car garage on Lot 2 which would have to be removed as part of this project, and no covered parking for Lot 1. He felt there is adequate space on the side of each of these properties to permit the construction of a single-car covered parking space.

The Commission asked staff if two covered parking spaces would be required. Staff noted that it is the practice of the Community Development Department on existing dwellings to require replacement of the same number of spaces that previously existed particularly when there are physical restrictions on providing a greater number. In this case staff would normally allow a single car covered structure to be constructed on Parcels 1 and 2. The five new lots would be required to have two covered parking spaces per dwelling.

The next speaker was Ms. Baird, 419 West Locust Street. This speaker noted that she lives next door to Lot 1. She was concerned about the parking on Lot 1 and does not want a parking structure constructed between her house and the existing house on Lot 1 which would encroach on the existing open space between their two houses. Commissioner Stafford explained that the City could not prevent construction as long as it meets all zoning and building code requirements.

The next speaker was Lou Fugazi, 925 Greenwood Drive. Mr. Fugazi explained that his family has owned the property for approximately 125 years. They have decided to sell the property because of lack of funds to develop it themselves. He felt that Mr. Collins' subdivision proposal would be an improvement for the neighborhood and would be much better than the current commercial building and vacant lot.

The next speaker was Dennis Sanguinetti, 420 West Locust Street. Mr. Sanguinetti stated that he lives directly across the street from the project and was in favor of anything that would improve the property. He noted that the house at 425 West Locust Street is in disrepair and he hoped that it could either be repaired or demolished. He asked Mr. Collins what his intention is for this house. Mr. Collins stated he is planning to sell the house as is and it would be the responsibility of the buyers to fix up the property.

The next speaker was Bob Reynolds, 428 West Lockeford Street. Mr. Reynolds stated he lives across the alley from the proposed project. He was concerned about property values and how the project would affect his property. He stated he is planning to fix up his property on Locust Street, but is hesitant to move forward until he knows what is going to happen to the subject property. He stated that the traffic on the alley had greatly increased because of the apartments constructed in the neighborhood. He also wants to restrict the new houses to one-story structures.

The next speaker was Mamie Starr, Facilities Director for Lodi Unified School District. Ms. Starr noted the school district's concern regarding the impact of residential project on the ability of the school district to house new students. She stated she objects to the negative declaration because of the lack of school mitigation. She explained that she had sent a letter to the City requesting that a condition of the map approval be the inclusion of the property in a Mello-Roos district which would be specifically formed to help pay for school construction. Commissioner Rasmussen asked about the recent Mira court case and how it would affect the proposed subdivision map. He asked if it is in the Planning Commission's power to require the applicant to join a Mello-Roos district, particularly one that does not currently exist. Ms. Starr requested that Addison Culvert, Legal Counsel for the school district come forward to address these questions. Mr. Culvert discussed a recent Santa Maria court case which seems to permit the type of action requested by the school district. He then went on to describe the differences between legislative and administrative acts and where this project fits in that discussion. He also explained the reason for the Mello-Roos approach for the payment of school impaction fees. Commissioner Rasmussen again questioned whether the City could require annexation to a non-existing Mello-Roos district, particularly since the tentative map appears to be a non-legislative action.

The next speaker was Marvin Miller, West Locust Street. Mr. Miller stated he was concerned about the lack of on-street parking in the neighborhood and what effect this project would have on the future widening of Hutchins Street. He felt that increasing the density on the property would only increase the parking problem in the area. Staff explained that there is an existing setback line on Hutchins Steet to accommodate the widening of Hutchins Street. Any houses built on the subject property would be

required to maintain the proper setback from the street setback line. It was also noted that the densities proposed by the subdivision map comply with the densities permitted by the Zoning Ordinance.

The next speaker was Troy Scheideman, North Hutchins Street. Mr. Scheideman expressed his support of the project and felt it would be a benefit to the neighborhood. He requested that the new houses be single story structures with architecture similar to the existing houses on the street.

The next speaker was Mrs. Jack Brooks, 9 North Rose Street. Mrs. Brooks expressed her feeling that the project would not benefit the neighborhood and would only contribute to the existing parking problem. She noted that the lots are much smaller than the existing lots in the neighborhood and that the increased density would impact the area.

There being no further speakers, Chairman Stafford closed the hearing to the public. The Planning Commissioners discussed the design of the project, particularly the size of the proposed lots and the lack of adequate off-street parking for Lots 1 and 2 in light of the existing parking problem in the area. They also discussed the problem of school overcrowding in the Lodi Unified School District.

Following this discussion Commissioner Marzolf made a motion, second by Commissioner Hitchcock, to deny the request of Mike Collins for a 7-lot subdivision at 425 and 429 West Locust Street based on inadequate off-street parking and the adverse impact on the Lodi Unified School District.

Deputy City Attorney John Luebberke stated that it was his opinion that the Planning Commission could not deny the map based on impacts on the Lodi Unified School District. Commissioner Marzolf then agreed to strike the school impact reason from his motion. Under the discussion, Commissioner Lapenta expressed his opinion that this is a good project and would benefit the area by developing a property that has remained vacant for many years. He felt the City should be flexible in order to encourage any development of these types of infill projects. Commissioner Hitchcock suggested that the applicant reduce the number of lots from 7 to 6 to allow for larger lots which could provide for two off-street parking spaces for each lot. She felt that the minimum lot size of 4,000 square feet is too small for this area.

Chairman Stafford then called for a vote on the motion of Commissioner Marzolf to deny the proposed request of Mike Collins for a 7-lot residential subdivision at 425 and 429 West Locust Street. The motion to deny the project passed on a 4-3 vote with Commissioners Lapenta, McGladdery and Stafford voting, "No." Chairman Stafford explained to Mr. Collins that he could appeal the denial by the Planning Commission to the Lodi City Council. He suggested that Mr. Collins call the Planning Department office in the next few days to learn how he could file an appeal. Staff also noted for the audience and the Planning Commission that there was a previously approved subdivision map for this property which is still valid and could bedeveloped. The only major difference would be that the driveways would lead onto Locust Street instead of Hutchins Street.



CITY OF LODI

Carnegie Forum 305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: August 16, 1995

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, August 16, 1995** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

 discuss request from Michael Collins appealing Planning Commissions's decision regarding property located at 425 and 429 West Locust Street

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Jacqueline L. Taylor Acting City Clerk

Dated: July 20, 1995

Approved as to form:

John Luebberke Deputy City Attorney



DECLARATION OF MAILING

On July 20, 1995 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 1995, at Lodi, California.

Jacqueline L. Taylor Acting City Clerk

Linda S. Nichols Deputy City Clerk

PUBLIC HEARING LIST

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PUBLIC HEARING LIST

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August 12, 1995

Dear Council Members:

This letter is to address the request from Michael Collins appealing the Planning Commission's decision regarding the property located at 425 and 429 West Locust Street.

We live at 117 North Hutchins Street, 113 N Hutchins Street, and 428 West Locust Street, within a half block from the location to be discussed. We attended the Planning Commission's meeting regarding this property and were a bit disappointed by their decision. We are very much in favor of this property being developed into single family dwellings, and would like to encourage you to vote in favor of Mr. Collin's appeal. By all appearances it seems the plan brought before the Planning Commission was denied due to one residence that already exists on the property not providing off street parking for one vehicle.

There were many people that spoke regarding a parking problem on Locust Street, where this property lies. We would like to encourage you to drive by this property which is very close to downtown, at any time of day. We have observed this property at many different hours. If you will notice, the parking problems on Locust Street seem to be due to the multiple family apartment complexes that have already been allowed to be developed on that street, down from the property in question. We really do not feel that single family dwellings on Hutchins Street would create more of a parking problem for Locust Street residences, and feel that the development of this property into single family homes can only upgrade the area.

Currently the lot in question is unkept, and barren, adding no value to the neighborhood. As home owners near this location we would be much happier to see single family homes on this site, rather than an apartment complex or commercial project, and really do not feel that the one residence with only a single car parking area would cause a great problem as far as parking in the area is concerned. It was our understanding that the remainder of the residences which would have drives facing on Hutchins Street would have two car parking available to them, and therefore feel this type of development would not create a greater parking problem for the residences of Locust Street.

Again, we would like to encourage you to drive by this property so you, too, can see how the development of this property into single family homes, could only add to, rather than detract from, the area. Thank you for taking time to consider our point of view. As home owners close to these lots, we would be very happy to see single family homes on this property.

Troy and Sheller Scheideman
117 N. Hutchins Street

Dennis Borboa 113 N. Hutchins Street

The flower

Rod Olsen 428 West Locust Street